

California Regional Water Quality Control Board
Santa Ana Region

April 4, 2003

STAFF REPORT

ITEM: 10

SUBJECT: Resolution No R8-2003-0049, Adopting the April 2003 Santa Ana Regional Water Quality Control Board Emergency Abandoned and Recalcitrant Site Priority List

Discussion:

There are a number of abandoned or recalcitrant underground storage tank sites within the Region. These sites are a threat to human health and/or the environment. Chapter 6.75 of the California Health and Safety Code authorizes underground storage tank (UST) cleanup funds to be provided to Regional Water Quality Control Boards and local UST agencies for direct cleanup of petroleum-contaminated UST sites requiring emergency or prompt corrective action to protect human health or the environment. The State Water Resources Control Board (SWRCB) has directed the Regional Water Quality Control Boards to submit a Priority List of UST sites which threaten human health or the environment and which have been ordered by the Regional Water Board or the local UST agency to initiate corrective actions, but have not begun the requested corrective actions. A resolution adopting the Regional Water Quality Control Board's Priority List to the Emergency, Abandoned and Recalcitrant Fund must be submitted annually to the SWRCB. The SWRCB is able to enter into contracts to provide funds to local agencies and Regional Water Quality Control Boards to perform corrective actions at such abandoned or recalcitrant sites. The SWRCB will pursue activities seeking reimbursement of those funds from the past and current owners of the subject property, including placing a lien against the subject property.

The April 2003 Santa Ana Regional Water Quality Control Board Emergency Abandoned and Recalcitrant Site Priority List is attached (Attachment "A"). The list includes 12 sites and the total requested funding for the cleanup of these sites is \$1.75 million (this amount represents the expected expenditures for FY 2003-04).

RECOMMENDATION:

Adopt Resolution No. R8-2003-0049 as presented.

ATTACHMENT “A”
(RESOLUTION NO. R8-2003-0049)

Santa Ana Regional Water Quality Control Board
Emergency, Abandoned, and Recalcitrant Site Priority List
April 2003

Site	Lead Agency Contact	Pollution	Enforcement Compliance and Status	Proposed Abatement	Funding Requested
Former Circle K 8999 Limonite Avenue Pedley Riverside County	Carl Bernhardt SARWQCB	Gasoline affected soil and groundwater, No analysis for MTBE	Circle K filed bankruptcy in 1991 and responsibility to investigate and remediate the site reverted to property owner. Two USTs were removed in 1993. Current property owner is non-responsive to requests to conduct further work. The site was placed on the 2001-2002 and the 2002-2003 EAR Account Fund lists. The Department of General Services (DGS) is currently contracting out to begin work at the site.	The groundwater monitoring wells have not been sampled for several years and the extent of groundwater contamination was never defined. Additional monitoring is needed to assess the extent of groundwater contamination and to evaluate the appropriate remedial measures.	\$250,000

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<p>Singletary Site 1115 W. La Cadena Avenue Riverside Riverside County</p>	<p>Carl Bernhardt SARWQCB</p>	<p>Gasoline affected soil and groundwater, MTBE detected</p>	<p>In April 1997, Mr. Singletary acquired the site and, in May 1997, removed four gasoline USTs and one waste oil tank. Approximately 780 cu. yards of gasoline-affected soil was removed and transported off-site. The results of confirmatory soil sampling and the installation of two groundwater monitoring wells indicated that the soil and groundwater were contaminated from on-site releases of gasoline constituents, including MTBE. In March 1999, The Cleanup Fund denied reimbursement for corrective action costs due to the previous operator's history of non-compliance and Mr. Singletary's purchase of the property in an "as is" discounted condition. Mr. Singletary appealed to the Sate Board claiming denial of funding of additional cleanup costs would result in filing for bankruptcy. In April 2001, a settlement was reached with the SWRCB to fund corrective action costs of up to \$500,000 from the EAR Account. The site was placed on the 2001-2002 and 2002-2003 EAR Account Fund list. The DGS is currently contracting out to begin work at the site.</p>	<p>Additional groundwater monitoring wells are necessary to define the extent of the groundwater contamination and to evaluate the necessary remedial actions including the implementation of interim groundwater remedial actions.</p>	<p>\$350,000</p>
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Caliber Investment Property 3270 W. Lincoln Avenue Anaheim Orange County	Richard Wilson City of Anaheim Public Utilities	Gasoline affected soil and groundwater, MTBE detected	The site was operated as a Target brand service station, which was closed in 1996. The USTs were removed in May 1999. The results of subsequent soil and groundwater investigations indicted significantly elevated concentrations of gasoline constituents including MTBE. The present property owner claims they do not have the financial capability to continue investigation and remediation at the site. The site owner's application was denied because of Target's past history of non-compliance. The site owner has become recalcitrant. The site was placed on the 2002-2003 EAR Account Fund list. Anaheim Public Utilities is currently contracting out to begin work at the site.	Additional groundwater monitoring wells are necessary to define the extent of the groundwater contamination and to evaluate the necessary remedial actions including the implementation of interim groundwater remedial actions.	\$250,000
Bloomington Texaco 18509 Valley Blvd. Bloomington San Bernardino County	B. Douglas Snyder San Bernardino County Fire Dept.	Unknown visible diesel or gasoline affected soil	Owner claims that they do not have the financial capability to remove the tanks and to conduct the necessary investigation and remediation of the site. There are currently liens on the property. The site was placed on the 2002-2003 EAR Account Fund list. Work has not been completed.	The five USTs need to be removed and nature and extent of the petroleum hydrocarbon fuel-affected soil needs to be assessed.	\$100,000: \$50,000 for removal of the USTs and an additional \$50,000 to begin investigation and cleanup.
Rich Mart 16501 Merrill Fontana San Bernardino County	B. Douglas Snyder San Bernardino County Fire Dept.	Unknown visible gasoline- affected soil and odors	Owner had filed for bankruptcy and claim that they do not have the financial capability to remove the tanks and to conduct the necessary investigation and remediation of the site. Finance Company has taken over the property. The site was placed on the 2002-2003 EAR Account Fund list. Work has not been completed.	The two USTs need to be removed and nature and extent of the gasoline-affected soil needs to be assessed.	\$100,000: \$50,000 for removal of the USTs and an additional \$50,000 to begin investigation and cleanup.

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Roman's Construction 42191 Big Bear Blvd. Big Bear Lake San Bernardino County	B. Douglas Snyder San Bernardino County Fire Dept.	Unknown gasoline odors detected under dispensers	Mr. Roman was notified of the finding of soil contamination at the site, but has repeatedly failed to reply to SBCFD directives. This site was mistakenly included in the 2002-2003 EAR list for the Lahontan Region. Work has not been completed.	The two USTs need to be removed and vertical and lateral extent of the gasoline-affected soil and the potential impact to the underlying shallow groundwater needs to be assessed.	\$100,000: \$50,000 for removal of the USTs and an additional \$50,000 to begin investigation and cleanup.
Bill Young's Mini Mart 1005 Redlands Blvd. Redlands San Bernardino County	B. Douglas Snyder San Bernardino County Fire Dept.	Unknown extent of petroleum hydrocarbon fuel-affected soil	Mr. Young acquired the subject property in July 1997. In November 1998, the property owners were notified that the USTs were not in compliance with the UST upgrade requirements. The owner notified County Fire that they did not have the financial resources to replace or upgrade the USTs. In October 1999, County Fire issued a settlement agreement. The owner did not reply. In November 2000, County Fire issued a NOV for failure to obtain UST permits, upgrade or replace the USTs, and the unlawful abandonment/closure of the USTs. All violations remain outstanding. The site was placed on the 2002-2003 EAR Account Fund list. Work has not been completed.	The four USTs need to be removed and vertical and lateral extent of the gasoline-affected soil needs to be assessed.	\$100,000: \$50,000 for removal of the USTs and an additional \$50,000 to begin investigation and cleanup.
Former P&M Station #976 1087 Mt. Vernon Avenue San Bernardino San Bernardino County	B. Douglas Snyder San Bernardino County Fire Dept.	Soil visually stained Unknown extent of petroleum hydrocarbon fuel-affected soil.	Mr. Kamal Shalash acquired the property in 1995 and transferred ownership to Ibrahim Jaghemeh in December 1997. County fire issued NOVs on April 13, 1998, September 13, 2000, and October 13, 2000, for the failure to obtain permits, failure to report change in ownership, and unlawful abandonment/closure of the USTs. There was no response to the NOVs and the current address of the RPs is unavailable. The site was placed on the 2002-2003 EAR Account Fund list. Work has not been completed.	The three USTs need to be removed and vertical and lateral extent of the gasoline-affected soil needs to be assessed.	\$100,000: \$50,000 for removal of the USTs and an additional \$50,000 to begin investigation and cleanup

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Abandoned Station: Hatton/Yoder 1074 Carbon Canyon Chino Hills San Bernardino County	B. Douglas Snyder San Bernardino County Fire Dept.	Soil visually stained and petroleum odors detected. Unknown extent of petroleum hydrocarbon fuel-affected soil.	The service station was abandoned prior to 1993. The past owner/operators are unresponsive. The site was placed on the 2002-2003 EAR Account Fund list. Work has not been completed.	The two USTs need to be removed and vertical and lateral extent of the gasoline-affected soil needs to be assessed.	\$100,000: \$50,000 for removal of the USTs and an additional \$50,000 to begin investigation and cleanup.
Abandoned Tanks/ Maurice Peters 1098 W. 5 th Street San Bernardino, CA San Bernardino County	B. Douglas Snyder San Bernardino County Fire Dept.	Observable soil contamination in the UST overfills	Owner had filed for bankruptcy and claimed that they do not have the financial capability to remove the tanks and to conduct the necessary investigation and remediation of the site. The owner has been recalcitrant to remove the tanks.	The three fuel USTs and one waste oil UST need to be removed and vertical and lateral extent of the gasoline-affected soil needs to be assessed.	\$100,000: \$50,000 for removal of the USTs and an additional \$50,000 to begin investigation and cleanup.
Abandoned Tanks/ Brown Family 1075 N E Street San Bernardino San Bernardino County	B. Douglas Snyder San Bernardino County Fire Dept.	Observable soil contamination and detectable petroleum odors in the dispenser and fill pipe areas.	Owner claims that they do not have the financial capability to remove the tanks and to conduct the necessary investigation and remediation of the site.	The three fuel USTs need to be removed and vertical and lateral extent of the gasoline-affected soil needs to be assessed.	\$100,000: \$50,000 for removal of the USTs and an additional \$50,000 to begin investigation and cleanup.

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Abandoned Tank-Residence 7853 Lankershim Drive Highland San Bernardino County	B. Douglas Snyder San Bernardino County Fire Dept.	Strong petroleum odors were detected on side of private residence.	Mr. Sanchez and Ms. Castro purchased the property in April 1998. Strong petroleum odor detected on side of house resulted in the discovery of an abandoned UST. On June 8, 2001, a NOV was issued notifying the property owners that the UST was unlawfully abandoned and must be removed. The owners state that they do not have the financial resources to remove the UST or conduct any investigation or remediation of any affected soil. The site was placed on the 2002-2003 EAR Account Fund list. Work has not been completed.	The UST needs to be removed and vertical and lateral extent of the petroleum hydrocarbon fuel-affected soil needs to be assessed. The USTs poses potential health risks to residence occupants, including children.	\$100,000: \$50,000 for removal of the USTs and an additional \$50,000 to begin investigation and cleanup.
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California Regional Water Quality Control Board
Santa Ana Region

RESOLUTION NO. 28-03-04

Adopting the April 2003 Santa Ana Regional Water Quality Control Board Emergency, Abandoned and Recalcitrant Site Priority List.

Whereas, the California Regional Water Quality Control Board (RWQCB), Santa Ana Region (hereinafter Board), finds that:

1. Chapter 6.75 of the California Health and Safety Code authorizes underground storage tank (UST) cleanup funds to be provided to RWQCBs and local UST agencies for direct cleanup of petroleum-contaminated UST sites requiring emergency or prompt corrective action to protect human health or the environment; and
2. The State Water Resources Control Board has directed the RWQCBs to submit a Priority List of UST sites which threaten human health or the environment and which have been ordered by the RWQCB or the local UST agency to initiate corrective actions, but have not begun the requested corrective actions; and
3. A resolution adopting the RWQCB's Priority List for the Emergency, Abandoned and Recalcitrant Fund must be submitted annually to the State Water Resources Control Board.

THEREFORE, BE IT RESOLVED that the California Regional Water Quality Control Board, Santa Ana Region,

Adopts the attached April 2003 Santa Ana Regional Water Quality Control Board Emergency, Abandoned and Recalcitrant Site Priority List (Attachment "A") and forwards it to the State Water Resources Control Board.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Santa Ana Region, on April 04, 2003.

Gerard J. Thibeault
Executive Officer